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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

ANGELO PENA, ROLANDO ROJAS,
JOSE DIROCHE, and FRANKLIN SANTANA,
individually and on behalf of others
similarly situated,

Plaintiffs,

vs. No. 07 CV 7013

SP PAYROLL, INC., NICHOLAS PARKING,
CORP., IVY PARKING, CORP., BIENVENIDO,
LLC, CASTLE PARKING CORP., SAGE PARKING
CORP., and SAM PODOLAK,

Defendants.

DEPOSITION OF ANGELO PENA
New York, New York
Friday, November 9, 2007

Reported by:
Meredith Stoeckel
JOB NO. 14011-A

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1 A. Pena
 2 A. No.
 3 Q. Who is your current supervisor at the
 4 garage right now?
 5 A. Mr. Raj.
 6 Q. What hours does Mr. Raj work?
 7 A. He passes by to pick up the reports.
 8 Sometimes he passes by in the morning, sometimes
 9 he passes by at night.
 10 Q. Does Mr. Raj actually work at the
 11 garage, or just pass by the garage to pick up the
 12 reports?
 13 A. He doesn't work in the garage. He just
 14 picks up the reports.
 15 Q. What hours do you work?
 16 A. Twelve hours a day.
 17 Q. When do you start work?
 18 A. I started working from seven a.m. to
 19 seven p.m.
 20 Q. How long have you worked from seven
 21 a.m. to seven p.m.?
 22 A. I worked that shift for about two
 23 years. Sometimes I had to cover vacation or
 24 something like that for another employee.
 25 Covering shifts.

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1 A. Pena
 2 Q. Isn't it a fact that you are currently
 3 working eight hours per day?
 4 A. Now, yes.
 5 Q. When did you start working eight hours
 6 a day?
 7 A. This year, 2007.
 8 Q. When in 2007?
 9 A. I don't know exactly.
 10 Q. Besides you, does anyone else work at
 11 the garage with you?
 12 A. One other person, yes.
 13 Q. Who is that?
 14 A. I worked with Juan --
 15 MR. FAILLACE: I'm going to object
 16 for vagueness. I think there is a need
 17 for clarification. He's not
 18 understanding the time period you are
 19 asking.
 20 MR. WALKER: Right now.
 21 A. Right now, who I work with?
 22 Q. Yes.
 23 A. Sometimes I work with Pedro Brito, Juan
 24 Lorenzo, Pedro Breton. There are two other
 25 persons, but I don't remember the names.

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1 A. Pena
 2 Q. How many of these employees that you
 3 just named work during all or part of the shift
 4 that you work?
 5 A. I work with them because I started four
 6 p.m. until twelve. They are the ones that do the
 7 day shifts -- there are other people that relieve
 8 also. That relieve us.
 9 Q. You previously testified you were
 10 working seven a.m. to seven p.m. You have
 11 testified you are working four p.m. to midnight.
 12 Which is it?
 13 MR. FAILLACE: Objection. He was
 14 confused as to time. Objection because
 15 he was confused about time. I already
 16 objected. He wasn't clear about the
 17 time. When he was saying seven to seven
 18 he meant some other --
 19 Q. As you sit here today, what hours are
 20 you working at the garage?
 21 A. Right now in 2007, I am working from
 22 four p.m. to twelve a.m.
 23 Q. Isn't it a fact that you have worked
 24 eight hours a day since March of 2006?
 25 A. I am not sure, no.

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1 A. Pena
 2 Q. During 2007 when you have been working
 3 from four p.m. to midnight, what other employees
 4 would be at the garage during that time?
 5 A. Jose Suazo.
 6 Q. Anyone else?
 7 A. I worked also with Diroche Colon.
 8 Q. Anyone else?
 9 A. Of that garage, I don't remember any
 10 other names.
 11 Q. Do all of the employees who work at the
 12 garage when you work at the garage park cars?
 13 MR. FAILLACE: Objection. Can you
 14 please specify?
 15 MR. WALKER: When he's working.
 16 A. Repeat the question.
 17 Q. During the time that you're working and
 18 other employees are working at the garage, do
 19 these employees also park cars?
 20 A. Yes, sir.
 21 Q. During any time that you have been
 22 working during 2007, what is the most number of
 23 employees who have been working at the same time
 24 as you?
 25 A. There are six employees. Three at

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